IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 8th day of February, 2005
Bail application No. 87 of 2005
Order on Bail Application of accused

CRIMINAL SIDE

Nitin Kumar
S/o Shri Ram Pal
R/o Adarsh Nagar Roorkee
P.S. Kotwali Roorkee
District – Haridwar …Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of case crime No. 384 of 2004
U/Ss 363, 366 I.P.C.
P.S. Kotwali Roorkee
District – Haridwar

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime no. 384 of 2004. U/Ss 363, 366 I.P.C., P.S. Kotwali Roorkee, District – Haridwar.

Heard Sri S.P.S. Panwar, learned Sr. counsel for the applicant, Sri Rajendra Singh, learned counsel for the complainant, learned A.G.A. and perused the record.

Perusal of record shows that there is no allegation of rape against the applicant, Nitin Kumar. The allegation of rape is against the co-accused, Nirankar Bhati (non-applicant). The medical examination report of the prosecutrix shows that the age of girl is between 17 to 18 years. The statement of the prosecutrix recorded u/s 164 Cr.P.C. and 161 Cr.P.C. do not disclose anywhere that she was subjected to rape by the applicant Nitin Kumar.

Having considered the aforesaid circumstances, I think it is just and proper to release applicant, Nitin Kumar on bail on executing personal bond and adequate sureties to the satisfaction of A.C.J.M. Roorkee.

(B.C. Kandpal, J.)

February 8, 2005
Shiv